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August 31, 2023

Via ECF

The Honorable Pamela K. Chen
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Gonzalez v. The Cheesecake Factory Restaurants, Inc.*
Case No.: 21-cv-05017-PKC-SIL

Dear Judge Chen:

On August 22, 2023, Defendant The Cheesecake Factory Restaurants, Inc. (“TCFI”) submitted its Reply Brief In Support Of Motion To Stay And Compel Individual Arbitrations. (ECF 50). In support of this filing, among other exhibits, TCFI submitted a Declaration of Javier Gomez, the General Manager who hired and onboarded Plaintiff Calvagno at the Lake Grove restaurant location in March of 2008. (ECF 50-2). TCFI has confirmed that there were errors in paragraph one of the Gomez Declaration as they relate to his dates of employment and dates in position. TCFI submits this letter to correct the Gomez declaration.

Gomez Corrected Declaration

Javier Gomez submits the attached Supplemental Declaration to correct the record regarding (i) his first day of employment with TCFI and (ii) the dates he worked as the General Manager (“GM”) at TCFI’s Lake Grove location. There were errors in drafting the relevant dates in paragraph one of Mr. Gomez’ original declaration. (Gomez Supplemental Declaration at ¶ 3). TCFI regrets this confusion. Paragraphs 2-13 of Mr. Gomez’ original declaration (ECF 50-2) need no correction and remain true and accurate. (*Id.* at ¶ 1). Mr. Gomez’ Supplemental Declaration clarifies the following:

(i) Gomez’ First Day of Employment: Mr. Gomez has worked for TCFI since August 1, 1998. (*Id.* at ¶ 2; Gomez Employee Summary, attached as Exhibit A to Gomez Supp. Decl.).

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(ii) Gomez' Dates as Lake Grove Location General Manager: Mr. Gomez worked as the General Manager for the Lake Grove restaurant location from November 7, 2007 through March 22, 2011. (Gomez Supp. Decl. at ¶ 2).

In sum, TCFI submits Mr. Gomez' Supplemental Declaration attached hereto to correct the error in the dates contained in paragraph one of his original declaration. TCFI also apologizes to the Court and opposing counsel for the error contained in paragraph one of Mr. Gomez' original declaration.

Thank you for Your Honor's consideration of the above.

Best regards,

Timothy Barbetta
Counsel for TCFI

CC: All counsel of record via ECF